

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

AUG -1 2017

Clerk, US District Court
District of Montana - Billings

BROCK BAKER, on behalf of himself
and all others similarly situated,

Plaintiff,

vs.

SUNBURST CONSULTING, INC.,

Defendant.

CV 16-124-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

Before the Court are United States Magistrate Judge Timothy Cavan's Findings and Recommendations filed on July 6, 2017. (Doc. 36). Judge Cavan recommends that this Court grant Plaintiff Brock Baker's motion for conditional certification and notice. (Doc. 23).

Pursuant to 28 U.S.C. § 636(b)(1), the parties were required to file written objections within 14 days of the filing of Judge Cavan's Findings and Recommendations. No objections were filed. When neither party objects, this Court reviews Judge Cavan's Findings and Recommendations for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendations, this Court does not find that Judge Cavan committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by United States Magistrate Judge Cavan (Doc. 36) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Plaintiff's motion for conditional certification and notice (Doc. 23) is GRANTED.

IT IS FURTHER ORDERED that Defendant have seven calendar days to provide Plaintiffs' Counsel, in computer-readable electronic format, the names, mailing addresses, and email addresses of all putative members of the conditionally certified class. This class should include all Geosteering Consultants employed by Sunburst in the three years prior to the date Plaintiff's motion was filed, February 8, 2017.

IT IS FURTHER ORDERED that Plaintiff's Counsel is given seven additional calendar days to mail the Initial Notice of the conditionally certified class to all putative class members and to file a Notice in this action that such notices have been mailed. Reminder Notices may be sent thirty days after the Initial Notice. Plaintiffs must file a notice with the Court indicating the date the Reminder Notices were sent.

IT IS FURTHER ORDERED that all class members must opt in within sixty days of the date the Initial Notices are mailed. No opt-ins should be permitted after that deadline passes.

DATED this 1st day of August, 2017.



SUSAN P. WATTERS
United States District Judge